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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,646

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Matthias Von Samson-Himmelstjerna

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EXAMINER

ROGERS, MARTIN K

ART UNIT

PAPER NUMBER

1791

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,646	Applicant(s) VON SAMSON-HIMMELSTJERNA ET AL.	
	Examiner MARTIN ROGERS	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (USP 5804510) in view of Reichinger (USP 6481101).

In regards to claim 1, Spies discloses a fabric adhesive tape (Abstract) used for forming a cable harness by wrapping together individual cables used in automobiles (Column 1, lines 15-18). Spies does not disclose using double-sided tape to bond the harness to a substrate.

Reichinger discloses that it is well known in the art to use double-sided tape to bond automobile cable harness to a specific component in a vehicle. Therefore, it would have been obvious to one of ordinary skill in the art to use double sided tape (as disclosed by Reichinger) to bond a vehicle cable harness (such as the one disclosed by Spies) to a component in the vehicle for the benefit of this being a well known way of arranging cable harnesses within vehicles.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) as applied to claim 1 above, and further in view of Andreas et al. (EP 1233046) and Muehlen (DE 2617249).

In regards to claim 2, the previous combination does not disclose how the double-sided tape is applied to the automobile components, suggesting to one of ordinary skill in the art that any well known method of applying adhesive tape to an automobile would be suitable.

Andreas discloses that it is well known in the art to supply the double sided tape for automobiles ([0014]) on a carrier sheet ([0012]) so that it can be dispensed by hand labeling equipment ([0004]). The specific dispenser is not disclosed, suggesting to one of ordinary skill in the art that any well known machine for supplying an adhesive from a carrier sheet would be suitable for placing the tape.

Muehlen discloses a dispenser for applying double-sided tape supplied on a carrier sheet to a substrate which utilizes a baseplate with a handle (Figure 1), a

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receiver (Figure 1: 1), a pressure roller (Figure 1: 4) for applying the tape, a drive roller that moves due to contact from the tape (Figure 1: 3), and a receiver roller for winding the empty carrier sheet (Figure 1: 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a dispenser (as disclosed by Andreas) to supply double-sided tape to a cable harness (such as the one disclosed in the previous combination) for the benefit of this being a well known method of applying tape to automobile components. In doing so, it would have been obvious to use a dispensing mechanism which utilizes the required mechanism (as disclosed by Muehlen), for the benefit of this being a well known mechanism for feeding tape that is attached to a carrier sheet.

In regards to claim 3, Muehlen further discloses that a driver roller is disposed between the receiver and the applicator (Figure 1: 3). It is the examiner's position that because the guide roller is described as being optional in the claim, it is not a limiting feature of the invention.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) in view of Andreas et al. (EP 1233046) and Muehlen (DE 2617249) as applied to claim 2 above, and further in view of Hamisch (USP 4680081) and Row (USP 6502616).

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In regards to claim 4, the previous combination does not disclose a rotatably mounted shaft on the handle.

Hamisch discloses an axle (Figure 7: 75) mounted on the handle with a rotatably mounted shaft (Figure 7: 76) via which the backing material is guided from the receiver roller toward the front of the dispenser (Column 3, lines 51-54 and Column 5, line 65-68). The operation of the rotatably mounted shaft is adjusted through the use of a valve (Column 5, lines 47-50) for the benefit of feeding the carrier sheet at a constant rate (Column 6, lines 6-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention add a rotatable shaft (such as disclosed by Hamisch) to the tape dispenser of the previous combination for the benefit of feeding the tape through the dispenser at a constant rate (Column 6, lines 6-7).

Hamisch does not disclose how the shaft is attached, suggesting to one of ordinary skill in the art at that any well known method of affixing an object to a tape dispenser would be acceptable.

Row discloses that one will known method of attaching an object to a tape dispenser is by screwing it on (Column 5, line 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to attach the shaft of the above combination by screwing it in (as disclosed Row) for the benefit of this being a well known attachment method for tape dispensers.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Spies et al. (USP 5804510) in view of Reichinger (USP

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6481101) in view of Andreas et al. (EP 1233046) and Muehlen (DE 2617249) as applied to claim 2 above, and further in view of Charriere (Pre-Grant Publication 2003/0094243).

In regards to claim 5, Muehlen does not disclose a counterplate parallel to the handle.

Charriere suggests to one of ordinary skill in the art that by using opposing counterplates that are parallel to the handle (Figure 1: 104), it is possible to accommodate tapes of different sizes ([0050]) and also to adjust the position of the tape in the device ([0165]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use parallel counterplates (as disclosed by Charriere) in the dispenser of the previous combination for the benefit of being able to dispense tapes of different sizes and at different positions relative to the handle.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) in view of Andreas et al. (EP 1233046) and Muehlen (DE 2617249) as applied to claim 2 above, and further in view of Lengen et al. (USP 4997513).

In regards to claim 6, the previous combination does not disclose using a robot to apply the tape.

It is suggested to one of ordinary skill in the art by the disclosure of Lengen that by using a robot to apply tape, costs can be reduced and precision can be increased (Column 3, lines 15-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a robot (as disclosed by Lengen) to apply the tape of the previous combination for the benefit of reducing costs and increasing precision.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) as applied to claim 1 above, and further in view of Andreas et al. (EP 1233046), Jung (USP 6454856), Seabold (USP 3969181), and Robichaud (USP 6098690).

In regards to claim 2, the previous combination does not disclose how the double-sided tape is applied to the automobile components, suggesting to one of ordinary skill in the art that any well known method of applying adhesive tape to an automobile would be suitable.

Andreas discloses that it is well known in the art to supply the double sided tape for automobiles ([0014]) on a carrier sheet ([0012]) so that it can be dispensed by hand labeling equipment ([0004]). However, the specific dispenser is never disclosed, suggesting to one of ordinary skill in the art that any well known apparatus for supplying an adhesive from a carrier sheet would be suitable for placing the tape.

Jung discloses that it is well known in the art to dispense an adhesive tape from a carrier sheet (Abstract) by using a device with a baseplate (Figure 1: 2), a receiver

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(Figure 2: 3), a dispensing guide for applying the tape (Figure 2: 6), a drive roller that rotates with the backing material (Figure 2: 9), and a receiver roller for the backing material (Figure 2: 8) which is driven by the drive roller (Figure 2: 9). Note that because the language of step f requires "optionally" rotating the receiver roller with a belt, the examiner has interpreted this to not be a limiting feature of the claim. Therefore, the meshing gears of Jung are suitable for the requirements of the claim. Jung does not disclose a handle fitted to the baseplate or that a pressure roller be used to apply the tape.

It is suggested to one of ordinary skill in the art at the time of the invention by the disclosure of Seabold (USP 3969181) that by using a rotatably mounted roller to apply the tape from the carrier sheet, the act of returning the carrier sheet into the dispenser is facilitated (Column 3, lines 32-36 and 42-46).

Robichaud discloses that it is well known in the art to attach a handle to the structure of a tape dispenser for the benefit of facilitating the grip of the user (Column 6, lines 44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a dispenser (as disclosed by Andreas) to supply double-sided tape to a cable harness such as the one disclosed in the previous combination for the benefit of this being a well known method of applying tape to automobile components. In doing so, it would have been obvious to use a dispensing mechanism which utilizes a drive wheel (as disclosed by Jung), for the benefit of this being a well known mechanism for feeding tape that is attached to a carrier sheet. It would have

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further been obvious to use a pressure roller (as disclosed by Seabold) with the feeding mechanism for the benefit of facilitating the transfer of the carrier sheet back into the dispenser. Finally, it would have been obvious to add a handle to the structure of the dispenser (as disclosed by Robichaud) for the benefit of facilitating the grip of a user.

In regards to claim 3, Jung further disclose that a driver roller is disposed between the receiver and the applicator (Figure 2: 9) and that a guide roller is disposed between the receiver and the driver roller (Figure 2: 7'). As stated above in claim 2, it would have been obvious to use a pressure roller to apply the tape.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) in view of Andreas et al. (EP 1233046), Jung (USP 6454856), Seabold (USP 3969181), and Robichaud (USP 6098690) as applied to claim 2 above, and further in view of Hamisch (USP 4680081) and Row (USP 6502616).

In regards to claim 4, the previous combination does not disclose a rotatably mounted shaft on the handle.

Hamisch discloses an axle (Figure 7: 75) mounted on the handle with a rotatably mounted shaft (Figure 7: 76) via which the backing material is guided from the receiver roller toward the front of the dispenser (Column 3, lines 51-54 and Column 5, line 65-68). The operation of the rotatably mounted shaft is adjusted through the use of a valve

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(Column 5, lines 47-50) for the benefit of feeding the carrier sheet at a constant rate (Column 6, lines 6-7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention add the rotatable shaft of Hamisch to the tape dispenser of the previous combination for the benefit of feeding the tape through the dispenser at a constant rate (Column 6, lines 6-7).

Hamisch does not disclose how the shaft is attached, Suggesting to one of ordinary skill in the art at that any well known method of affixing an object to a tape dispenser would be acceptable.

Row discloses that one will known method of attaching an object to a tape dispenser is by screwing it on (Column 5, line 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to screw the shaft of the above combination by screwing it on (as disclosed Row) for the benefit of this being a well known attachment method for tape dispensers.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) in view of Andreas et al. (EP 1233046), Jung (USP 6454856), Seabold (USP 3969181), and Robichaud (USP 6098690) as applied to claim 2 above, and further in view of Charriere (Pre-Grant Publication 2003/0094243).

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In regards to claim 5, Seabold further discloses that the pressure roller needs to be supported on both sides by opposing plates (Figure 2: 47 and 20), but does not disclose that these plates be parallel to the handle.

Charriere suggests to one of ordinary skill in the art that by using an opposing counterplates that are parallel to the handle (Figure 1: 104), it is possible to accomodate tapes of different sizes ([0050]) and also to adjust the position of the tape in the device ([0165]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use parallel counterplates (as disclosed by Charriere) in the dispenser of the previous combination for the benefit of being able to dispense tapes of different sizes and at different positions relative to the handle.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the previous combination of Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) in view of Andreas et al. (EP 1233046), Jung (USP 6454856), Seabold (USP 3969181), and Robichaud (USP 6098690) as applied to claim 2 above, and further in view of Lengen et al. ((4997513)).

In regards to claim 6, the previous combination does not disclose using a robot to apply the tape.

It is suggested to one of ordinary skill in the art by the disclosure of Lengen that by using a robot to apply tape, costs can be reduced and precision can be increased (Column 3, lines 15-17). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time of the invention to use a robot (as disclosed by Lengen) to apply the tape of the previous combination for the benefit of reducing costs and increasing precision.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) as applied to claim 1 above, and further in view of Kulper et al. (Pre-Grant Publication 2002/0146952).

In regards to claim 7, Spies discloses a textile tape for wrapping cables, but does not disclose how the cables are wrapped, suggesting to one of ordinary skill in the art that the tape could be used for any well known method of wrapping cables.

Kulper discloses that when using tapes to make a cable harness, it is well known to spiral-wrap them ([0098]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to spiral wrap the cable harness (as disclosed by Kulper) for the benefit of this being a well known method of taping cables. It is the examiner's position that because the stripe of adhesive is described in the claim as being optional, it is not a limiting feature of the claim.

In regards to claim 8, Spies does not disclose the use of non-woven fabrics for the tape.

Kulper discloses using a non-woven (Abstract) textile tapes for the benefit of decreasing costs ([0004]). Therefore, it would have been obvious to one of ordinary skill

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in the art at the time of the invention to use non-woven fabrics (as disclosed by Kulper) for the tape of the previous combination for the benefit of saving costs.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (USP 5804510) in view of Reichinger (USP 6481101) as applied to claim 1 above, and further in view of Ulrich (DE 10157387 already of record).

In regards to claim 8, Spies discloses multiple exemplary fabrics which are capable of serving the purpose of the invention (Column 2, lines 17-18), suggesting to one of ordinary skill in the art that any well known type of carrier fabric for adhesive tapes would be suitable.

Ulrich discloses that non-woven fabrics are an obvious alternative to the woven fabrics disclosed by Spies for the creating of fabric tape ([0002]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use non-woven fabrics (as disclosed by Ulrich) rather than the woven ones disclosed by Spies for the benefit of these being obvious alternatives in the art as carrier fabrics for textile tapes. The examiner notes that although Ulrich teaches water jets and needles for consolidating the fabrics, these features are described as being "optional" in the claim and are therefore interpreted by the examiner to not be limiting features of the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN ROGERS whose telephone number is 571-270-7002. The examiner can normally be reached on Monday through Thursday, 7:30 to 5:00, and every other Friday, 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791